IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36916 of 2007(T)

CC.2/2005 OF J.M.F.C.-I, ALUVA
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PETITIONERS:
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1. **BASTIN T.D.,**
   AGED 63 YEARS, S/O. DEVASSY,
   RETIRED TEACHER, THARAYIL HOUSE,
   MALAYATTOOR.P.O., ERNAKULAM DISTRICT.

2. **PRAKASH.T.M,**
   AGED 36 YEARS, S/O. MADHAVAN,
   THARANILATHU HOUSE, KALADY.P.O.,
   CHENGALKARA, KANJOOR PANCHAYATH,
   ERNAKULAM.

3. **BIJU.N.P, AGED 29 YEARS,**
   S/O. N.M. PAULOSE, NEDUNGADAN HOUSE,
   NAYATHODU KARA, ANGAMALLY.P.O.,
   ERNAKULAM.

4. **MR. BALU P. JACOB, AGED 34 YEARS,**
   S/O. JACOB, PARAYIL HOUSE,
   ANGADIKADAVU, ANGAMALY,
   ERNAKULAM DISTRICT.

5. **DR. ANNIE BALU,**
   AGED 31 YEARS, W/O. BALU P. JACOB,
   PARAYIL HOUSE, ANGADIKADAVU,
   ANGAMALY, ERNAKULAM DISTRICT.

6. **VINCENT PALATHINGAL,**
   AGED 52 YEARS,
   S/O. PAVUNNI, CN-23, CHURCH NAGAR,
   EAST AVENUE, ANGAMALY.

7. **K.K. PAUL, AGED 56 YEARS,**
   S/O. LATE KURIAN,
   KOORANTHAZHATHUPARAMBIL HOUSE,
   KARAYAMPARAMBUKARA,
   KARUKUTTY.P.O., ALUVA.

W.P.(C). NO.36916/2007:

8. RENY POULOSE,
W/O. K.C. POULOSE,
KALLARACKAL HOUSE,
KEDANGOORKARA,
THURAVOOR VIA,
ANGAMALY, ERNAKULAM DIST.

9. M.C. JOSE, MADATHUMKUDY HOUSE,
NEAR OLD TILES FACTORY GATE,
AGADYKADAVU, ANGAMALY, ERNAKULAM DIST.

10. SAJEEV.T.K., AGED 35 YEARS,
S/O. KUMARAN, BUSINESS,
THARANILATHU HOUSE,
KIZHAKKUMBHAGOM VILLAGE,
PARAPPURAM.P.O., ERNAKULAM.

11. MR. M.V. PAULOSE,
AGED 35 YEARS, S/O. VARGHESE,
MAVELI HOUSE, KINDANGOOR.P.O.,
THURAVUR VILLAGE, ANGAMALY,
ERNAKULAM DISTRICT.

12. ABHILASH MENACHERY,
AGED 26, S/O. M.J. VARKEY,
RESIDING AT MENACHERY HOUSE,
ANGAMALY, ERNAKULAM.

13. BAIJU.K.A,
AGED 30, S/O. K.U. ALIAYS,
RESIDING AT KOORAN HOUSE,
ANGADI KADAVU,
ANGAMALY, ERNAKULAM.

14. P.K. POULOSE,
S/O. KURIAN, RETIRED SBT MANAGER,
MOOLANAKATHATTU HOUSE, EDADKARA,
NELLEKUZHY.P.O., ERAMALOOR VILLAGE.

BY ADV. SMT.JEENA JOSEPH,
ADV. SRI.G.D.PANICKER.

W.P.(C). NO.36916/2007:

RESPONDENTS:
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1. **THE DIST. MANAGER,**
   KERALA FINANCIAL CORPORATION,
   ERNAKULAM.

2. **MR. PAUL JOSEPH,**
   S/O. OUSEPH, PALLIPPATTU HOUSE,
   KIDANGOORKARA, THURAVOOR VILLAGE,
   ALUVA TALUK, ERNAKULAM, PIN - 683 576.

3. **BOBAN PAUL, AGED 37 YEARS,**
   S/O. PAULOSE, DIRECTOR,
   LAMEX BUILDERS & DEVELOPERS PVT. LTD.,
   PATTALATTU HOUSE, PONETH TEMPLE ROAD,
   KADAVANTHRA, ERNAKULAM.

BY GOVT. PLEADER SRI. RAVEENDRA BABU,
ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.36916 of 2007

Dated this the 13th day of December, 2007

JUDGMENT

To put in legal terminology the grievance of the petitioners, it is that C.C.2 of 2005, in which the petitioners are the defacto complainants, is not being taken up for hearing and disposal with expedition. There are many other persons placed in identical situation as the petitioners. They have filed separate private complaints. The learned Magistrate is taking up those matters. This acts as a pressure on the 1st respondent to settle the disputes. Their matters are being settled whereas the case of the petitioners is not being settled. All matters are posted for hearing to 15.12.07. The short prayer of the petitioners is that C.C.2 of 2005 may also be taken up expeditiously for trial, so that the 1st respondent shall take necessary steps to settle and ensure composition of the claims of the petitioners also.

2. The petitioners must certainly request the learned Magistrate for an out of turn expeditious posting for disposal of C.C.2 of 2005. The matter has been pending from 2005 and I

find no reason why the learned Magistrate should not accept the said request of the petitioners to get C.C.2 of 2005 taken up for expeditious disposal along with connected cases - C.C.Nos.45 of 2003, 250 of 2003 etc. No better or specific directions appear to be necessary.

3. This Writ Petition is accordingly allowed in part to the above extent.

4. Hand over a copy of this judgment to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-